

# Interview Summary

Application No.

09/692,197

Applicant(s)

YAMANAKA ET AL.

Examiner

Rob Rhode

Art Unit

3625

All participants (applicant, applicant's representative, PTO personnel):

(1) Rob Rhode.

(3) MR. MATTSO

(2) Jeff Smith.

(4) MR. Kishimoto

Date of Interview: 31 March 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1 & 7 AUSTIN

Identification of prior art discussed: KAWA; RIESMAN

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: DISCUSSED CLAIMS 1 & 7 FOCUSED ON THE

LAST 3 INDENTS OF CLAIM 1.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

SEE ATTACHED FOR A PROPOSED NEW CLAIM  
LANGUAGE

  
Jeffrey A. Smith  
Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

*Structure can be method*

Listing of Claims:

Claim 1 (Currently Amended): A digital content downloading method using a network in which digital content is downloaded, comprising the steps of:

~~making~~ receiving through a network ~~a consumer send both~~ information designating a desired digital content selected by ~~the~~ a consumer and a desired digital content transmission condition related to quality of communication selected by the consumer, ~~to~~ at a digital content retailer possessing the desired digital content ~~through a network;~~

~~making~~ reserving, with the digital content retailer, ~~reserve~~ the network managed by a network operator according to the desired digital content transmission condition sent from the consumer;

~~making~~ providing from the digital content retailer ~~download~~ the desired digital content designated by the information, to the consumer through the network reserved by the digital content retailer at the desired digital content transmission condition sent from the consumer;

~~making~~ collecting from the consumer, with the digital content retailer, ~~collect~~ a charge for the desired digital content, ~~in which~~ the charge including a transmission charge corresponding to the desired digital content transmission condition ~~is included, from the~~ consumer; and

~~making~~ paying, with the digital content retailer, ~~pay~~ the transmission charge to the network operator.

*Buyer must have a computer*

*insert step*

Claim 2 (Currently Amended): A digital content downloading method using a network, according to claim 1, wherein the desired digital content transmission condition selected by the consumer is includes a transmission time condition ~~such as an urgent transmission condition, a date and time specifying transmission condition or a date specifying transmission condition.~~

Claim 3 (Previously Presented): A digital content downloading method using a network, according to claim 1, wherein the network is composed of a plurality of networks managed by a plurality of network operators, and the desired digital content transmission condition selected by the consumer corresponds to a communication quality of each of the networks.

Claim 4 (Currently Amended): A digital content downloading method using a network, according to claim 3, wherein the communication quality of each network is determined by at least one of a data transfer rate, a delay time, a delay variation, a burst size, a cell interval and a cell discard rate.

Claim 5 (Currently Amended): A digital content downloading method using a network, according to claim 3, wherein a bandwidth of the network is reserved with a time condition in the network reservation according to the desired digital content transmission condition.

Claim 6 (Currently Amended): A digital content downloading method using a network, according to claim 1, wherein the desired digital content transmission condition selected by the consumer is a bandwidth guarantee type transmission condition, in which a

transmission time period is guaranteed, or a bandwidth no-guarantee type transmission conditions, in which a transmission time period is not guaranteed, and the transmission charge is heightened as the transmission time period is shortened.

Claim 7 (Currently Amended): A digital content downloading method using a network, according to claim 1, wherein the step of ~~making the digital content retailer download~~ providing the desired digital content includes:

~~making checking, with~~ the digital content retailer, ~~check~~ through the network whether or not the consumer ~~has a capability such as a memory capacity for~~ is capable of receiving the desired digital content, before the desired digital content is ~~downloaded~~ provided to the consumer at the desired digital content transmission condition.

Claim 8 (Currently Amended): A digital content downloading method using a network, according to claim 1, wherein the step of ~~making the digital content retailer download~~ providing the desired digital content includes:

connecting the consumer to the network through a subscriber line which is composed of a telephone line, an optical fiber cable, a coaxial cable or a radio transmission line.

Claim 9 (Currently Amended): A digital content downloading method using a network, according to claim 1, wherein the step of ~~making the digital content retailer download~~ providing the desired digital content includes:

~~making sending, from~~ the digital content retailer, ~~send~~ a transmission start notice to the consumer before ~~the downloading of~~ providing the desired digital content;

~~making the network operator manage~~ managing, with a network operator, a transmission time period in the transmission of the desired digital content until the digital content retailer sends a transmission completion notice to the network operator;

~~making sending, from~~ the network operator, ~~send~~ a time-out notice to the digital content retailer in cases where the transmission time period exceeds a prescribed value; and

~~making forcedly terminating, with~~ the digital content retailer, ~~forcedly terminate~~ the ~~downloading~~ providing of the desired digital content in cases where the digital content retailer receives the time-out notice from the network operator.

Claim 10 (Currently Amended): A digital content downloading method using a network, according to claim 1, wherein the step of ~~making the digital content retailer download~~ providing the desired digital content includes:

~~making ciphering, with~~ the digital content retailer, ~~either~~ the desired digital content; ~~making providing from~~ the digital content retailer, ~~download~~ ciphered data of the desired digital content; and

~~making~~ the consumer decipher the ciphered data of the desired digital content to obtain the desired digital content.

Claim 11 (Currently Amended): A digital content downloading method using a network, according to claim 1, wherein the step of ~~making the consumer send both~~ receiving the information and the desired digital content transmission condition includes:

~~making receiving from~~ the consumer ~~send~~ personal information and payment information of the consumer ~~to the digital content retailer;~~

~~making the digital content retailer inquire of an inquiry to~~ a credit company whether or not the personal information and the payment information ~~sent~~ received from the consumer is correct;

~~making~~ requesting that the credit company perform the authentication of the consumer according to the personal information and the payment information; and

~~making~~ requesting the credit company to send an authentication notice to the digital content retailer in cases where the personal information and the payment information is correct.

Claim 12. (Currently Amended) A digital content downloading method using a network, according to claim 1, wherein the step of ~~making the digital content retailer collect~~ collecting a charge for the desired digital content includes:

~~making~~ sending, from the digital content retailer, ~~send~~ an accounting notice corresponding to the charge for the desired digital content to a credit company;

~~making~~ requesting that the credit company send a bill, which corresponds to the charge for the desired digital content, to the consumer in response to the accounting notice:

~~making~~ requesting that the consumer pay the charge for the desired digital content to the credit company in response to the bill: and

~~making~~ requesting that the credit company pay the charge paid by the consumer to the digital content retailer.

Claim 13 (Currently Amended): A digital content downloading method using a network, according to claim 1, wherein the step of ~~making the digital content retailer download~~ providing the desired digital content includes:

~~making the consumer send~~ receiving, at the digital content retailer, a reception impossible notice ~~to the digital content retailer from the consumer in cases where~~ indicating that the consumer fails in receiving has not received the desired digital content;

~~making the digital content retailer send~~ sending a transmission termination notice to the network operator from the digital content retailer; and

~~making the digital content retailer send~~ sending a transmission no-completion notice to the consumer from the digital content retailer.

Claim 14 (Previously Presented): A digital content downloading method using a network, according to claim 1, wherein the desired digital content is a music file, a video file or a game software title.

Claims 15 -28 (Canceled).